

APPLICANT(S): IDDAN, Gavriel J.  
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#### REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the foregoing amendments and following remarks.

#### STATUS OF CLAIMS

Claims 72-77 are pending in the application. Claims 72-77 have been rejected. Claim 72 has been cancelled without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in these claims to file divisional and/or continuation patent applications. Claims 72-77 have been amended in order to further define what the Applicant considers to be the invention. Applicant respectfully asserts that the amendments to the claims add no new matter.

New Claims 78-89 have been added in order to further define what the Applicant considers to be the invention. Applicant respectfully asserts that no new matter has been added.

#### NEW CLAIMS

Applicant has added new independent claims 78 and 88 and new dependent claims 79-87, and 89 dependent directly or indirectly to one of independent claims 78 and 88 to further define embodiments of Applicant's invention.

With regard to new independent claim 78, none of the prior art of record alone or in combination teaches the limitations of such new independent claim 78. For example, specifically the prior art Given Imaging Ltd (WO 01/53792 A2) and Colvin, Jr. (U.S. Patent No. 6,330, 464) does not teach "an interaction chamber comprising first and second openings, wherein the first opening is to allow an endo-luminal sample to enter and the second opening is to discharge the endo-luminal sample" as is recited in Applicant's new independent claim 78.

With regard to new independent claim 88, none of the prior art of record alone or in combination teaches the limitations of such new independent claim 88. For example, specifically the prior art Given Imaging Ltd (WO 01/53792 A2) and Colvin, Jr. (U.S. Patent No. 6,330, 464) does not teach "allowing to enter through a first opening of an in-vivo interaction chamber, a first endo-luminal sample" and "discharging the first endo-luminal sample through a

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second opening of the interaction chamber; and replacing the first sample in the interaction chamber with a new sample" as is recited in Applicant's new independent claim 88.

New dependent claims 79-87, and 89 dependent directly or indirectly to one of independent claims 78 and 88.

Applicant asserts that new claims 78-89 are allowable.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 112 Rejection**

In the Office Action, the Examiner rejected claims 72-76 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated in regard to independent claim 72 that the specification has failed to disclose admitting a sample through a channel to an interaction chamber.

Independent claim 72 is cancelled hereinabove. Applicant respectfully asserts that the rejection of claim 72 is therefore moot.

Dependent claims 73-77, as amended depend directly and/or indirectly from new independent claim 88. Without addressing the issue of support for the element discussed above, neither new independent claim 88 nor dependent claims 73-77 include the feature of admitting a sample through a channel to an interaction chamber. Applicant respectfully asserts that the rejection of dependent claims 73-77 is therefore moot.

In view of the above, Applicant respectfully requests that the rejection of claims 72-76 under 35 U.S.C. § 112, first paragraph be withdrawn.

#### **35 U.S.C. § 103 Rejection**

In the Office Action, the Examiner rejected claims 72-76 under 35 U.S.C. § 103(a), as being unpatentable over Given Imaging Ltd (WO 01/53792 A2) in view of Colvin, Jr. (U.S. Patent No. 6,330,464). Applicant respectfully traverses the rejection of claims 72-76 under 35 U.S.C. § 102(a), as being unpatentable over Given Imaging Ltd (WO 01/53792 A2) in view of Colvin, Jr. (U.S. Patent No. 6,330,464) in view of the remarks that follow.

Applicant's independent claim 72 is cancelled hereinabove. Applicant respectfully asserts that the rejection of claim 72 is therefore moot.

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Applicant's dependent claims 73-77 as amended depend directly and/or indirectly from new independent claim 88. New independent claim 88 includes, inter alia, the limitation of "allowing to enter through a first opening of an in-vivo interaction chamber, a first endo-luminal sample" and "discharging the first endo-luminal sample through a second opening of the interaction chamber; and replacing the first sample in the interaction chamber with a new sample". Neither Given Imaging Ltd nor Colvin, Jr. alone or in combination, teach or suggest, such limitations.

Claims 73-77 depend from claim 88, and therefore include all the limitations of that claim. Therefore, claims 73-77 are likewise allowable..

Thus Applicant respectfully requests that the rejection of claims 72-77 under 35 U.S.C. § 103(a) be withdrawn.

#### Conclusion

Applicant submits that, for at least the reasons presented above, the Applicant's claims are patentable. Their favorable reconsideration and allowance is respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

No fees are believed to be due associated with this paper. If any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,

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Dated: September 14, 2006

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